IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.
CRIMINAL APPLICATION No.2353 of 2007

Shabbir Ahmed Alimiya Killedar ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr Ganesh Gole, Advocate for the Applicant.
Mr S. S. Pednekar, APP for the State.

CORAM: V.C. DAGA,J.
DATED: 23RD JULY, 2007.

P.C.:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the respondent no.2-original complainant.

2. By consent of the learned counsel appearing for the parties, the reasons in support of this order are dispensed with. Without examining the merits or demerits of the impugned order, by consent, the same is set aside and the matter is remitted back to the learned Sessions Court for consideration afresh as the applicant had no opportunity to make his submissions before the learned Judge.

3. In the above view of the matter, the impugned order dated 9th July, 2007 is set aside. Bail Aplication is restored to the file of Sessions Court, Mumbai with a

direction to hear and decide the same as expeditiously as possible and at any rate within three weeks from the dateof receipt of a copy of this order.

4. I, by way of interim protection, direct that the applicant shall not be arrested for a period of one week from today. In the mean while, the applicant may seek appropriate orders from the Sessions Court. It is made clear that all contentions of the parties are expressly kept open. Criminal Application is disposed of.

(V.C. DAGA,J.)